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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,581	09/29/2005	Toshihiko Seike	4492-0135PUS1	4579
2292 7590 03/30/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER MORRISON, THOMAS A				
ART UNIT 3653		PAPER NUMBER		
NOTIFICATION DATE 03/30/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/551,581

**Applicant(s)**

SEIKE ET AL.

**Examiner**

THOMAS A. MORRISON

**Art Unit**

3653

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 12-14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 12-14 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/9/2010 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 12-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Publication No. 2001-130780 (hereinafter "JP'780") and the previously mailed machine translation of the detailed description of this Japanese reference in view of U.S. Patent No. 5,540,423 (Nakano) (hereinafter "Nakano").

Regarding claim 1, Figs. 1-4 of JP'780 show a sheet transport mechanism, comprising:

a rotation roller (2);

a plurality of driven rollers (5) which are arranged parallel to an axis of the rotation roller (2); and

a plurality of sheet transport guides (including 9 and 8), each guiding toward the rotation roller (2), a sheet to be transported between the rotation roller (2) and the driven rollers (5), each of the sheet transport guides (including 9 and 8) including a torsion coil spring (8) having a coil portion (8b) fixed to a frame (numbered paragraph [0020] of the translation), the frame extends along a path where the sheet is to be transported, wherein

the coil portion (8b) has a first arm portion (7 or 9) which is arranged along the path so as to guide a reverse face of the sheet and extends to and is attached to a respective rotation shaft (6) of one of the driven rollers (5) and the coil portion (8b) has a second arm (8c) extending to and fixed to the frame (numbered paragraph [0020] of the previously mailed machine translation of the detailed description), an end of the second arm (8c) extends away from the coil portion (8b) and the end of the second arm (8c) is fixed to the frame (numbered paragraph [0020] of the previously mailed machine translation of the detailed description) at a location along the path different from a location of the coil portion (8b),

each of the sheet transport guides (including 9 and 8) applies elastic force to each of the driven rollers (5) so that each of the driven rollers (5) is elastically biased toward the rotation roller (2). However, JP'780 does not explicitly disclose that each

elastic force applied to each of the sheet transport guides is different from each other with distance from a predetermined reference position, as claimed.

Nakano discloses that it is well known in the art to adjust the force applied between each driven roller of a plurality of driven rollers (65, 65 and 65) and a respective rotation roller (62, 63, or 64) in a sheet transport mechanism (Fig. 1) so that each of these forces is different from each other, for the purpose of avoiding diagonal orientation of a sheet during feeding of such sheet through the sheet transport mechanism (Fig. 1). See, e.g., Fig. 3, col. 1, lines 47-51 and col. 4, lines 5-17 of Nakano. It would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the nipping force between each of the driven rollers (5) and the rotation roller (2) of JP'780 so that each of these forces is different from one another relative to a predetermined position, for the purpose of avoiding diagonal orientation of a sheet during feeding of such sheet through the sheet transport mechanism of JP'780, as taught by Nakano. As one example, Fig. 3 of Nakano shows that the predetermined reference position can be located in a central part of the shaft (67). See, e.g., Fig. 3 and col. 4, lines 15-17 of Nakano to see the nipping forces applied to rollers 63 and 64. As such, all of the limitations of claim 1 are met by JP'780 in view of Nakano.

With regard to the recitation "wherein the coil portion has a **first arm portion which is arranged along the path so as to guide a reverse face of the sheet** and extends to and is attached to a respective rotation shaft of one of the driven rollers and the coil portion has a second arm extending to and fixed to the frame..." in claim 1, the

bolded portion of this recitation does **not** distinguish claim 1 from JP'780 in view of Nakano, particularly in view of MPEP 2115. The above-noted recitation is merely based upon the orientation of the medium that is conveyed by the apparatus claimed in claim 1. This orientation of the medium conveyed by the apparatus claimed in claim 1 does **not** distinguish claim 1 from JP'780 in view of Nakano. Moreover, the examiner takes the position that a sheet having labels "front face" and "reverse face" on opposite sides can be provided in the apparatus of JP'780 in view of Nakano in such a manner that the "reverse face" of such sheet comes into contact with the first arm portion (7 or 9) of JP'780 and is guided by this first arm portion, as claimed. All of the limitations of claim 1 as now amended are met by JP'780 in view of Nakano.

Regarding claim 12, Fig. 3 of Nakano shows that the predetermined reference position can be located in a central part of the shaft (67) of a rotation roller. See, e.g., Fig. 3 and col. 4, lines 15-17 of Nakano to see the nipping forces applied to rollers 63 and 64.

Regarding claim 13, Fig 3 of Nakano shows that the predetermined reference position can be located in the left hand end portion of the shaft (67) of a rotation roller. See, e.g., Fig. 3 and col. 4, lines 15-17 of Nakano to see the nipping forces applied to all three rollers 62, 63 and 64.

Regarding claim 14, Figs. 1-4 of JP'780 show a sheet transport mechanism, comprising:

a rotation roller (2);

a plurality of driven rollers (5) which are arranged parallel to an axis of the rotation roller (2); and

a plurality of sheet transport guides (including 9 and 8), each guiding toward the rotation roller (2), a sheet to be transported between the rotation roller (2) and the driven rollers (5), each of the sheet transport guides (including 9 and 8) including a torsion coil spring (8) having a coil portion fixed to a frame (numbered paragraph [0020] of the previously mailed machine translation of the detailed description), wherein the coil portion has a first arm portion (9 or 7) which is arranged along a path so as to guide a reverse face of the sheet and extends to and is attached to a respective rotation shaft (6) of one of the driven rollers (5) and the coil portion has a second arm (8c) extending to and fixed to the frame. In particular, numbered paragraph [0020] of the previously mailed machine translation of the detailed description explains that portion 8c of each torsion spring part 8 is fixed to a frame, as claimed.

Also, each of the sheet transport guides (including 9 and 8) applies elastic force to one of the driven rollers (5) so that each of the driven rollers (5) is elastically biased toward the rotation roller (2). However, JP'780 does not explicitly disclose that each elastic force applied to each of the sheet transport guides is different from each other with distance from a predetermined reference position, as claimed.

Nakano discloses that it is well known in the art to adjust the force applied between each driven roller of a plurality of driven rollers (65, 65 and 65) and a respective rotation roller (62, 63, or 64) in a sheet transport mechanism (Fig. 1) so that

each of these forces is different from each other relative to a predetermined position, for the purpose of avoiding diagonal orientation of a sheet during feeding of such sheet through the sheet transport mechanism (Fig. 1). See, e.g., Fig. 3, col. 1, lines 47-51 and col. 4, lines 5-17 of Nakano. It would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the nipping force between each of the driven rollers (5) and the rotation roller (2) of JP'780 so that each of these forces is different from one another, for the purpose of avoiding diagonal orientation of a sheet during feeding of such sheet through the sheet transport mechanism of JP'780, as taught by Nakano. As one example, Fig. 3 of Nakano shows that the predetermined reference position can be located in a central part of the shaft (67). See, e.g., Fig. 3 and col. 4, lines 15-17 of Nakano to see the nipping forces applied to rollers 63 and 64. Thus, all of the limitations of claim 14 are met by JP'780 and the attached machine translation of the detailed description of this Japanese reference in view of Nakano.

With regard to the recitation "wherein the coil portion has **a first arm portion which is arranged along a path so as to guide a reverse face of the sheet** and extends to and is attached to a respective rotation shaft of one of the driven rollers..." in claim 14, the bolded portion of this recitation does **not** distinguish claim 14 from JP'780 in view of Nakano, particularly in view of MPEP 2115. The above-noted recitation is merely based upon the orientation of the medium that is conveyed by the apparatus claimed in claim 14. This orientation of the medium conveyed by the apparatus claimed in claim 14 does **not** distinguish claim 14 from JP'780 in view of Nakano. Moreover, the examiner takes the position that a sheet having labels "front face" and "reverse face" on



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opposite sides can be provided in the apparatus of JP'780 in view of Nakano in such a manner that the "reverse face" of such sheet comes into contact with the first arm portion (7 or 9) of JP'780 and is guided by this first arm portion, as claimed. All of the limitations of claim 14 as now amended are met by JP'780 in view of Nakano.

Regarding claim 16, Figs. 1-4 of JP'780 show that an end of the second arm (8c) extends away from the coil portion (including 8b) and the end of the second arm (8c) is fixed to the frame at a location different from a location of the coil portion (8b). See also numbered paragraph [0020] of the attached machine translation of the detailed description.

### ***Response to Arguments***

3. Applicant's arguments filed 7/10/09 have been fully considered but they are not persuasive.

Applicant argues that "In the '780' publication, elements 8 and 9, which correspond to the claimed sheet transporting guides of the claimed invention, face an upper surface of the sheet. Consequently, a guide for transporting the sheet is necessary in the case where a shaft member 11 is arranged distant from a paper feed roller 2. In contrast, in the claimed invention, the first arm portion is arranged below the sheet. Accordingly, the claimed invention does not need the guide for transporting the sheet. In sum, the '780' publication fails to disclose the claimed feature of "the coil portion has a first arm portion which is arranged along the path so as to guide a reverse face of the sheet" as recited in independent claim 1 and Nakano fails to make up for deficiencies as found in the '780' publication."

Also, applicant argues that "For similar reasons as outlined above for independent claim 1, independent claim 14 is also rejected over JP'780 in view of Nakano."

The examiner disagrees. JP'780 discloses that the coil portion (8b) has a first arm portion (7 or 9) which is arranged along the path so as to guide a reverse face of the sheet and extends to and is attached to a respective rotation shaft (6) of one of the driven rollers (5) and the coil portion (8b) has a second arm (8c) extending to and fixed to the frame (numbered paragraph [0020] of previously mailed machine translation of the detailed description), an end of the second arm (8c) extends away from the coil portion (8b) and the end of the second arm (8c) is fixed to the frame (numbered paragraph [0020] of the attached machine translation of the detailed description) at a location along the path different from a location of the coil portion (8b), as claimed.

With regard to the recitation "wherein the coil portion has **a first arm portion which is arranged along the path so as to guide a reverse face of the sheet** and extends to and is attached to a respective rotation shaft of one of the driven rollers and the coil portion has a second arm extending to and fixed to the frame..." in claim 1, the bolded portion of this recitation does **not** distinguish claim 1 from JP'780 in view of Nakano, particularly in view of MPEP 2115. The above-noted recitation is merely based upon the orientation of the medium that is conveyed by the apparatus claimed in claim 1. This orientation of the medium conveyed by the apparatus claimed in claim 1 does **not** distinguish claim 1 from JP'780 in view of Nakano. Moreover, the examiner takes the position that a sheet having labels "front face" and "reverse face" on opposite sides

can be provided in the apparatus of JP'780 in view of Nakano in such a manner that the "reverse face" of such sheet comes into contact with the first arm portion (7 or 9) of JP'780 and is guided by this first arm portion, as claimed. All of the limitations of claim 1 as now amended are met by JP'780 in view of Nakano.

For similar reasons claim 14 is also rejected.

In addition, the rejections of the remaining dependent claims 12-13 and 16 are also outlined above.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS A. MORRISON whose telephone number is (571)272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick Mackey/  
Supervisory Patent Examiner, Art  
Unit 3653

3/16/2010